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OCA 88-2172
7 January 1988

MEMORANDUM FOR THE RECORD

SUBJECT: Pre-trip Briefing for Representative Robert Roe
(D., NJ)

1. On 7 January 1988 in room H405 of the Capitol at 1330 hours, Representative Robert Roe was briefed by [redacted]

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[redacted] DI/OSWR and [redacted] DI/ALA in preparation for his trip to South America. Mr. Roe traveled in his capacity as the Chairman of the Space and Technology Committee. Duane Andrews, HPSCI also attended the discussion.

2. The OSWR analysts covered the Ariane launching facility in French Guiana and gave an overview of the Ariane space program. They discussed Brazil's space program, which has both commercial and military applications. The Brazilians complain that they must get most of their technology from countries other than the United States because of the strings attached. The Brazilian program is more advanced than that of Argentina because of the better infrastructure. The Argentines get their technology from the FRG, Italy and France. Although these South American economies are weak, they are hoping that the space hardware will translate into arms sales. However, both countries see the US as trying to cut the South Americans out of the ballistic missile market.

3. The DI/ALA analysts discussed our bilateral relations which are at an all-time low because the political parties are in disarray, trying to decide on their course of opposition to President Pinochet.

4. For follow-up, [redacted] provided a copy of the guidelines presented to countries governing sensitive missile-relevant technology transfers. A copy of these guidelines is attached.

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NOTE VERBALE

The Embassy of ... presents its compliments to the (name of ministry) and has the honor to inform it of the following statement of national policy.

The ... Government has, after careful consideration and subject to its international treaty obligations, decided that, when considering the transfer of equipment and technology related to missiles whose performance in terms of payload and range exceeds stated parameters, it will act in accordance with the attached Guidelines.

The Embassy of ... avails itself of the opportunity to renew to (name of ministry) the assurances of its highest consideration.

GUIDELINES FOR SENSITIVE MISSILE-RELEVANT TRANSFERS

1. The purpose of these Guidelines is to limit the risks of nuclear proliferation by controlling transfers that could make a contribution to nuclear weapons delivery systems other than manned aircraft. The Guidelines are not designed to impede national space programs or international cooperation in such programs as long as such programs could not contribute to nuclear weapons delivery systems. These Guidelines, including the attached Annex, form the basis for controlling transfers to any destination beyond the Government's jurisdiction or control of equipment and technology relevant to missiles whose performance in terms of payload and range exceeds stated parameters. Restraint will be exercised in the consideration of all transfers of items contained within the Annex and all such transfers will be considered on a case-by-case basis. The Government will implement the Guidelines in accordance with national legislation.

2. The Annex consists of two categories of items, which term includes equipment and technology. Category I items, all of which are in Annex items 1 and 2, are those items of greatest sensitivity. If a Category I item is included in a system, that system will also be considered as Category I, except when the incorporated item cannot be separated, removed or duplicated. Particular restraint will be exercised in the consideration of Category I transfers, and there will be a strong presumption to deny such transfers. Until further notice, the transfer of Category I production facilities will not be authorized. The transfer of other Category I items will be authorized only on rare occasions and where the Government (A) obtains binding government-to-government undertakings embodying the assurances from the recipient government called for in paragraph 5 of these Guidelines and (B) assumes responsibility for taking all steps necessary to ensure that the item is put only to its stated end-use. It is understood that the decision to transfer remains the sole and sovereign judgment of the ... Government.

3. In the evaluation of export applications for Annex items, the following factors will be taken into account:

A. Nuclear proliferation concerns;

B. The capabilities and objectives of the missile and space programs of the recipient state;

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C. The significance of the transfer in terms of the potential development of nuclear weapons delivery systems other than manned aircraft;

D. The assessment of the end-use of the transfers, including the relevant assurances of the recipient states referred to in sub-paragraphs 5.A and 5.B below;

E. The applicability of relevant multilateral agreements.

4. The transfer of design and production technology directly associated with any items in the Annex will be subject to as great a degree of scrutiny and control as will the equipment itself, to the extent permitted by national legislation.

5. Where the transfer could contribute to a nuclear weapons delivery system, the Government will authorize transfers of items in the Annex only on receipt of appropriate assurances from the government of the recipient state that:

A. The items will be used only for the purpose stated and that such use will not be modified nor the items modified or replicated without the prior consent of the ... Government;

B. Neither the items nor replicas nor derivatives thereof will be retransferred without the consent of the ... Government.

6. In furtherance of the effective operation of the Guidelines, the ... Government will, as necessary and appropriate, exchange relevant information with other governments applying the same Guidelines.

7. The adherence of all States to these Guidelines in the interest of international peace and security would be welcome.

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